



AP
JFW

Docket No.: VID-01802/29
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of:
Barry H. Schwab et al.

Application No.: 09/877,628

Confirmation No.: 9359

Filed: June 8, 2001

Art Unit: 2654

For: DATA TRANSMISSION SYSTEM WITH
ENHANCEMENT DATA

Examiner: V. B. Chawan

APPELLANT'S REPLY BRIEF

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Board of Patent Appeals and Interferences Decision on Appeal mailed December 26, 2006, finally rejecting claims 1 and 6, Applicant submits the following reply as follows:

REMARKS

In the Examiner's Answer, the Examiner raises the new argument that "'phonemes' are basic units of speech, and any person with ordinary skill in the art would readily recognize that when speech information is extracted to be transmitted, usually speech is converted into phonemic representation of speech data before transmitting the audio file or data." The Examiner's opinion is insufficient to form a basis for rejection. First, just because phonemes are basic units of speech does not mean that all of Appellant's claim limitations are met. In particular, speech-related data other than phonemes may be stored and used and whatever elements are used, they may be in the voice other than the voice of the sender. Secondly, the Examiner has provided no support or basis as to why one of skill in the art would agree with the Examiner's conjecture.

Applicant's request for oral hearing is also submitted herewith. Applicant's below-signed attorney may be contacted at the telephone/facsimile numbers provided below.

Dated: April 30, 2007

Respectfully submitted,

By 

John G. Posa

Registration No.: 37,424

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**AMENDMENT TRANSMITTAL LETTER**Docket No.
VID-01802/29Application No.
09/877,628-Conf. #9359Filing Date
June 8, 2001Examiner
V. B. ChawanArt Unit
2654

Applicant(s): Barry H. Schwab et al.

Invention: DATA TRANSMISSION SYSTEM WITH ENHANCEMENT DATA

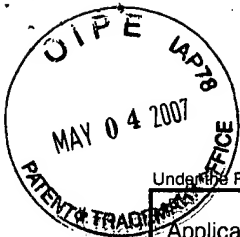
TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	2	- 20 =	0	x 25.00	0.00
Independent Claims	2	- 3 =	0	x 100.00	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00

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A duplicate copy of this sheet is enclosed.☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge and credit Deposit Account No. 07-1180
as described below. A duplicate copy of this sheet is enclosed.☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.Dated: April 30, 2007John G. Posa
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Application No. (if known): 09/877,628

Attorney Docket No.: VID-01802/29

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MS Amendment
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Alexandria, VA 22313-1450

on April 30, 2007
Date

Signature

Ann Andrusiak

Typed or printed name of person signing Certificate

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Amendment Transmittal Letter and Appellant's Reply Brief